

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BRIAN ROBINSON, Derivatively on Behalf
of OCULAR THERAPEUTIX, INC.,

Plaintiff,

v.

AMARPREET SAWHNEY, CHARLES
WARDEN, RICHARD L. LINDSTROM,
JASWINDER CHADHA, BRUCE A.
PEACOCK, JEFFREY S. HEIER, W.
JAMES O'SHEA, ERIC ANKERUD,
JAMES GARVEY, GEORGE MIGAUSKY,
and W. BRADFORD SMITH,

Defendants,

-and-

OCULAR THERAPEUTIX, INC., a
Delaware corporation,

Nominal Defendant.

Case No. 1:18-cv-10199-GAO

Honorable George A. O'Toole, Jr.

STIPULATION AND ORDER SETTING BRIEFING SCHEDULE

Plaintiff Brian Robinson ("Plaintiff"), individual defendants Amarpreet Sawhney ("Sawhney"), Eric Ankerud, George Migausky, Jaswinder Chadha, Jeffrey S. Heier, Richard L. Lindstrom, W. James O'Shea, Bruce Peacock, Charles Warden, W. Bradford Smith and James Garvey, and nominal defendant Ocular Therapeutix, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties"), through their undersigned counsel, hereby agree and stipulate to the following matters, effective March 20, 2018:

WHEREAS, on January 31, 2018, Plaintiff filed his Verified Stockholder Derivative Complaint for Breach of Fiduciary Duty, Waste of Corporate Assets, and Unjust Enrichment (the "Complaint") (Doc. #1) against Defendants;

WHEREAS, on February 2, 2018, the Court filed the issued Summons in a Civil Action (Doc. #3), in which defendant Sawhney's name was inadvertently misspelled;¹ and

WHEREAS, the Parties have met and conferred regarding the mistake with the Summons, as well as acceptance of service of the Complaint and a briefing schedule thereto;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, though their undersigned counsel, as follows:

1. The undersigned counsel for Defendants hereby accepts service on behalf of all named Defendants of the Summons and Complaint in the above-captioned action; provided, however, that the acceptance of service and entry into this Stipulation shall not waive, and Defendants expressly preserve all rights, claims and defenses, including but not limited to, all defenses relating to jurisdiction, other than a defense as to the sufficiency of service of the Summons or the [corrected] Summons and Complaint.

2. Defendants will file any response(s) to Plaintiff's Complaint no later than forty (40) days from the effective date of this Stipulation.

3. Plaintiff will file response(s) to Defendants' motion(s), answer(s), and/or other response(s) to the Complaint no later than forty (40) days after Defendants file their response(s).

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¹ The Parties respectfully request that the Clerk of Court correct the spelling of defendant Sawhney's first name, from *Amerpreet* to *Amarpreet* on the docket, and issue the corrected Summons. For the purpose of service, Defendants waive any error associated with the Summons as currently issued.

4. Defendants will file any reply brief(s) no later than twenty (20) days after Plaintiff files his opposition or other response briefs.

IT IS SO STIPULATED.

Dated: April 5, 2018

ROBBINS ARROYO LLP
BRIAN J. ROBBINS
CRAIG W. SMITH (*pro hac vice*)
STEVEN R. WEDEKING (*pro hac vice*)
SHANE P. SANDERS (*pro hac vice*)

/s/ Shane P. Sanders

SHANE P. SANDERS

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Dated: April 5, 2018

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Attorneys for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 21, 2018

/s/ George A. O'Toole, Jr.
HONORABLE GEORGE A. O'TOOLE, JR.
U.S. DISTRICT COURT JUDGE